

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

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|-----------------------------------|---|------------------------------|
| GLAZIERS, ARCHITECTURAL METAL |) | |
| AND GLASS WORKERS LOCAL |) | No. 08 C 933 |
| UNION NO. 27 WELFARE AND |) | |
| PENSION FUNDS, |) | Judge Zagel |
| |) | Magistrate Judge Brown |
| PLAINTIFFS, |) | |
| |) | |
| v. |) | |
| |) | |
| OTIS W. TAYLOR d/b/a O.W. TAYLOR, |) | MOTION OF DEFENDANT FOR |
| |) | REVERSAL OF ENTRY OF DEFAULT |
| DEFENDANT. |) | <u>AND AUDIT</u> |

Defendant, by its attorney, pursuant to Fed. R. Civ. P. 55(c) and 60(b), respectfully requests this Honorable Court to reverse its Order of Default as to liability in favor of Plaintiffs against Defendant, OTIS W. TAYLOR d/b/a O.W. TAYLOR. Plaintiff's Motion for Order of Default and Audit was not well taken. It should have been denied.

In support thereof, Defendant states:

1. Defendant admits it was served with a summons and complaint on April 21, 2008.

The undersigned had a conversation with counsel for Plaintiff on May 16, 2008 in which counsel for Plaintiff agreed to an extension for filing of the Answer. A copy of the letter confirming this conversation is attached as Exhibit A.

2. Immediately thereafter, the undersigned applied for admission to the Bar of this Court and he has since been admitted to the Trial Bar. The undersigned also applied for an electronic case filing account and that login and password was provided by the Clerk on June 17, 2008. A copy of the e-mail opening that account is also attached as Exhibit B.

3. The same day that the ECF account was opened, June 17, 2008, Defendant filed its Answer.
4. The motion for default was not filed until June 18, 2008, after the Answer was filed.
5. Because Defendant answered before the motion for default was filed, the Answer was filed in accordance with the agreement with Plaintiffs' counsel, and the Answer was filed the same day that the ECF account was opened by the Clerk of this Court, the motion for default was not well taken and should have been denied.

WHEREFORE, Defendant moves this Court to:

Reverse its June 20, 2008 Entry of Default and Audit and Order as to liability in favor of Plaintiffs and against Defendant.

Respectfully Submitted,

OTIS W. TAYLOR d/b/a O.W. TAYLOR

By: s/ Gregory Parker Rogers
Attorney for Defendant

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Dated June 23, 2008

CERTIFICATE OF SERVICE

I certify that on June 23, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Donald D. Schwartz, Arnold & Kadjan, 19 West Jackson Blvd., Chicago, Illinois 60604.

s/ Gregory Parker Rogers
Gregory Parker Rogers